

March 17, 2009
5:30 P.M.

Cowles Council Chambers
491 East Pioneer Avenue
Homer, Alaska

WORK SESSION Advisory Planning Commission AGENDA

1. Call To Order, 5:30 P.M.
2. Discussion of Items on the Regular Meeting Agenda
3. Dotti Harness-Foster, Planning Technician, "Signs of a Thriving Economy"
4. Staff Report PL 10-17, Draft Land Allocation Plan *(Please refer to page 31 of the regular meeting packet.)*
5. Public Comments
The public may speak to the Planning Commission regarding matters on the work session agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
6. Commission Comments
7. Adjournment

**REGULAR MEETING
AGENDA**

- 1. Call to Order**
- 2. Approval of Agenda**
- 3. Public Comment**

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
- 4. Reconsideration**
- 5. Adoption of Consent Agenda**

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

 - A. Approval of the March 3, 2010 minutes *Page 1*
- 6. Presentations**
- 7. Reports**
 - A. Staff Report PL 10-27, City Planner's Report *Page 5*
- 8. Public Hearings**

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

 - A. Staff Report PL 10-23, Conditional Use Permit (CUP) 10-03, Amending CUP 04-13, Alaska Marine Highway System at 4667 Homer Spit Road *Page 7*
- 9. Plat Consideration**
- 10. Pending Business**
 - A. Staff Report PL 10-26, Homer Spit Comprehensive Plan *Page 27*
 - B. Staff Report PL 10-20, Appointment to the Transportation Advisory Committee (TAC) *Page 29*
 - C. Staff Report PL 10-17, Draft Land Allocation Plan *Page 31*
- 11. New Business**
 - A. Staff Report PL 10-22, State of Alaska Right of Way Acquisition for East End Road *Page 33*
 - B. Staff Report PL 10-25, Dirt Work Ordinance *Page 35*
- 12. Informational Materials**
 - A. Letter dated March 10, 2010 to Darren Williams, Refuge Room from Rick Abboud, City Planner regarding Use of Refuge Room/Enforcement Order *Page 41*

13. Comments of The Audience

Members of the audience may address the Commission on any subject. (3 minute time limit)

14. Comments of Staff

15. Comments of The Commission

16. Adjournment

Meetings will adjourn promptly at 10:00p.m. An extension is allowed by a vote of the Commission. The next Regular Meeting is scheduled for April 7, 2010 at 7:00 p.m. in the Cowles Council Chambers. There will be a work session at 5:30p.m. prior to the meeting.

Session 10-04, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Vice Chair Kranich at 7:06 p.m. on March 3, 2010 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONER BOS, DRUHOT, HIGHLAND, KRANICH

ABSENT: COMMISSIONER MINSCH, SINN

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK JACOBSEN

APPROVAL OF AGENDA

The agenda was approved by consensus of the Commission.

PUBLIC COMMENT

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

There were no public comments.

RECONSIDERATION

No reconsiderations were scheduled.

ADOPTION OF CONSENT AGENDA

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

A. Approval of Minutes of February 17, 2010

The consent agenda was approved by consensus of the Commission.

PRESENTATIONS

No presentations were scheduled.

REPORTS

A. Staff Report PL 10-21, City Planner's Report

City Planner Abboud reviewed the staff report.

PUBLIC HEARINGS

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

A. Staff Report PL 10-18 Draft Ordinance 10-10, Draft Ordinance 10-XX of the City Council of Homer, Alaska, Amending Homer City Code 21.24.030 to Add Public, Private, Trade,

**Skilled or Industrial Schools as a Conditional Use in the General Commercial One (GC1)
Zoning District**

City Planner Abboud reviewed the staff report.

Vice Chair Kranich opened the public hearing. There was no public present to comment and the public hearing was closed.

There was brief discussion regarding finding six and adding "which would constitute a reduction in value" at the end of the sentence. They also noted the need for buffers and precedence for commercial development in the district.

BOS/DRUHOT MOVED TO ADOPT DRAFT ORDINANCE 10-10.

There was brief discussion of the motion. Vice Chair Kranich clarified that voting yes would send the message to Council that the Commission supports allowing schools as a conditional use in the GC1 zoning district and voting no would send the message to Council that the Commission does not support allowing schools as a conditional use in the GC1 zoning district.

VOTE: NO: BOS, DRUHOT, HIGHLAND, KRANICH

Motion failed.

BOS/HIGHLAND MOVED TO ADOPT FINDINGS 1-9 IN STAFF REPORT 10-18.

HIGHLAND/BOS MOVED TO AMEND FINDING 6 CHANGING THE PERIOD AT THE END TO A COMMA AND ADDING "WHICH COULD REDUCE PROPERTY VALUES."

There was brief discussion.

VOTE: (Primary Amendment) NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was brief discussion.

VOTE: (Main motion as amended): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

No plats were scheduled for consideration.

PENDING BUSINESS

A. Staff Report PL 10-20, Appointment to the Transportation Advisory Committee (TAC)

There was discussion of the TAC meeting schedule and business items. The Commission agreed to address this at the March 17th meeting.

B. Staff Report PL 10-17, Land Allocation Plan

Commissioner Highland raised questions and commented regarding some of the parcels in the plan:

- C9- Confirmed that is land that is designated as the Town Center.
- C8- The parcel should be added to Hornaday Park since there is no access, it is adjacent to the park and it is steep.
- C11- Designate as conservation since it is mostly wetlands.
- C12- Designate as park land or conservation.
- C13- It is 100% wetlands so designate as park or conservation open space
- C14-35.16 acres coastal wetlands and critical habitat flood hazard area, so designate as conservation open space.
- C15- Little to no developable area due to erosion, take it off the tax rolls.
- C16- Complete the process of the EVOS property purchase and place into a conservation easement.
- C17- Discussion of drainage issues.
- E7- Discussion of Lillian Walli subdivision development issues.
- E23- Discussion of Mariner Park designation.

There was discussion that a lot of those areas are wetlands but if there is a public purpose, and you need them in the future it would be impossible to develop if there is a conservation easement in place. A conservation easement stays on a property for ever. There was also discussion of EVOS and conservation restrictions, locations and uses of parcels, and status of eminent domain proceedings on property for the water treatment plant.

There was consensus of the Commission to have this on the next agenda or worksession.

NEW BUSINESS

No new business items were scheduled.

INFORMATIONAL MATERIALS

No informational materials were provided.

COMMENTS OF THE AUDIENCE

Members of the audience may address the Commission on any subject. (3 minute time limit)

No audience was present to comment.

COMMENTS OF STAFF

Staff had no comments.

COMMENTS OF THE COMMISSION

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
MARCH 3, 2010

Commissioner Bos commented that it was a good meeting with a skeleton crew. It was a good worksession with the Port and Harbor Commission and he hopes we are not too stuck on just the parking issues.

Commissioner Druhot said it was a good worksession and is concerned that the Port and Harbor Commission is stuck on the parking. She hopes to have more worksessions with them.

Commissioner Highland she said this is her first time to see the Homer Spit Comp Plan and she knows there a lot of people who will be interested in the plan. She questioned how they find out about it. She thinks if more people would have been aware of it they would have been here tonight. City Planner Abboud explained that as with all other public hearings and meetings, it is in the regular clerk's advertisements, posted to kiosks, and the radio report. Deputy City Clerk Jacobsen commented that there were bright colored inserts in the news papers for the Draft Comprehensive Plan meetings, and that might happen for this one as well. City Planner Abboud said that would probably start to happen in April. Commissioner Highland commented that she is very interested in the Stormwater Management Plan and wants to know how they can get the process started for a complete plan. She thinks they should start sooner than later. She brought up the idea a 4 E's concept that she would like to get some traction with. It is Economy, Environmental, Energy, and Ethics. She would like to see if there is a way to use it as a template process for decision making, checking off the 4 E's to make sure we get them all. City Planner Abboud said they would bring the worklist to them on their next agenda for discussion. She noted seeing heliports in residential and urban residential zoning. She is trying to figure out how to get it out of there and only for schools or hospital. She asked how she would have an opportunity to comment regarding steep slopes since it has been addressed by the Commission previously. It was explained that it will be before them again for the public hearing so she will have an opportunity. She thanked the Commission for their patience.

Vice Chair Kranich said it was a good meeting. He noted that her 4 E's sound very similar to a definition of sustainable development in an article from one of their planning magazines. He will find it and bring it in. He hopes that they will keep Chair Minsch and her husband in their thoughts and prayers.

ADJOURN

Meetings adjourn promptly at 10 p.m. An extension is allowed by a vote of the Commission. Notice of the next regular or special meeting or work session will appear on the agenda following "adjournment".

There being no further business to come before the Commission, the meeting adjourned at 8:16 p.m. The next Regular Meeting is scheduled for March 3, 2010 at 7:00 p.m. in the City Hall Cowles Council Chambers. There is a worksession at 5:30 p.m. prior to the meeting.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____



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STAFF REPORT PL 10-27

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: March 17, 2010
SUBJECT: Planning Director's Report

March 8th City Council Meeting (the blizzard meeting – over in 19 minutes)

Memorandum 10-41, From City Clerk, Re: Request for 30-Day Extension of Appeal Hearing for Michael Kennedy, Appeal of the Planning Commission Decision of an Enforcement Order at 844 Ocean Drive Loop, Lot 83, Oscar Munson Subdivision.

PUBLIC HEARING(S)

Ordinance 09-40(S), An Ordinance of the Homer City Council Adopting the 2008 Homer Comprehensive Plan and Recommending Adoption by the Kenai Peninsula Borough. City Manager. Introduction September 14, 2009, Public Hearings October 12 & 26, November 23, 2009, January 25, February 8 & 22, March 8, 2010, Work session November 9, 2009 and Second Reading March 22, 2010.

Memorandum 10-11 from City Planner and Planning Technician as backup.

There was no public testimony.

Maps were provided as a laydown from a group that was not able to attend the meeting.

March 22nd City Council Meeting

Private and public schools in GC1 – public hearing and second reading

Comp Plan – second reading

Activities:

Snow, snow and more snow, oh and how can I forget blizzard and more blizzard. Dotti is still working on the hazard mitigation project with representatives of the other City Departments. Business is picking up a bit around the blizzards and more people are inquiring about and submitting zoning permits and a few CUP's. A RFP is currently being advertised for fluid removal and disposal of junk cars.

The KPB Planning Commission meeting will be in Homer, April 12th at Lands End Resort in the Quarterdeck Room. The Plat Committee meeting begins at 5:30pm? (depends on the numbers of plats. KPB will know by end of March) and the Planning Commission meeting begins at 7:30 p.m. They were thinking it would be an appropriate time to introduce the Homer Comprehensive Plan, we will see if that is possible at the next City Council meeting. Also, I will be out of town attending the American Planning Association National Conference this week.

Follow up from Mary Toll

From: Toll, Mary [mailto:MTOLL@borough.kenai.ak.us]

Sent: Friday, March 05, 2010 3:39 PM

To: Julie Engebretsen

Subject: numbers

plats (with some possible other actions such as ROW vacations mixed in) reviewed at the KPB level, located within Homer City Limits:

2000	26 out of 222 total = 12%
2001	23 out of 212 total = 11%
2002	33 out of 290 total = 11%
2003	33 out of 279 total = 12%
2004	31 out of 315 total = 10%
2005	45 out of 323 total = 14%
2006	47 out of 342 total = 14%
2007	33 out of 323 total = 10%
2008	20 out of 267 total = 7%
2009	17 out of 195 total = 9%

These numbers may not be exact, but they are really close if they aren't. I hope this is the info you wanted -
Mary Toll



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STAFF REPORT PL 10-23

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: March 17, 2010
SUBJECT: CUP 10-03, Amending CUP 04-13, 4667 Homer Spit Road, More than one building containing a permitted principle use on a lot.

SYNOPSIS: Amend CUP 04-13, to increase the size of the proposed warehouse. **This is a quasi judicial decision, and requires five votes in favor of the proposal for approval.**

Applicants: Walt Wrede, City Manager City of Homer 491 E Pioneer Ave Homer, AK 99603	Charles van Kirk, Operations Manager Alaska Marine Highway System 7559 N Tongass Highway Ketchikan, AK 99901
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Requested Action: Amend CUP 04-13, to increase the size of the proposed warehouse
Location: 4667 Homer Spit Road, between the water storage tank and the Land's End Lodges
Parcel ID: 18103404
Lot Size(s): 2.23 acres, of which approximately 0.367 will be lease to AMHS
Zoning Designation: Marine Industrial
Existing Land Use: Water storage tank, Ferry ticket office, City of Homer Public Works Port Maintenance Shop and associated facilities, communications building

Surrounding Land Use:

North:	Ferry Terminal, Coast Guard dock/facilities
South:	Land's End Lodges and garages
East:	Bulk petroleum storage tanks, Land's End Hotel, Lands End Lodges
West:	RV Park and dredge spoil staging/dewatering

Comprehensive Plan: Manage the land and other resources of the spit to accommodate its natural processes, while allowing fishing, tourism, other marine related development, and open space/recreational uses. Increase year round employment.

Wetland Status: Not within a mapped wetland.
Flood Plain Status: 500 year flood plain (9/25/2009 FRIM)
BCWPD: Not within the Bridge Creek Watershed Protection District.
Utilities: Parcel is served by city water and sewer.

Public Notice: Notice was sent to 51 property owners of 32 parcels as shown on the KPB tax assessor rolls.

In 2004, the Commission granted CUP 04-13, for more than one building containing a permitted principle use on a lot. At that time, an existing warehouse of about 1250 square feet was torn down, and a new 945 square foot building was planned. Over the past six years, the plans for the warehouse have changed, and is now planned to be 2,100 square feet. The tallest side will be 21 feet high, and the short side of the warehouse will be about 15 feet tall. The change in size of the warehouse has triggered the amendment to CUP 04-13. The approximate total square footage of all structures on the lot will be 14,300 square feet of building area.

The warehouse will be constructed in summer 2010, and will be used to store materials for the Alaska Marine Highway System (AMHS) ferry MV Tustumena. The Tustumena is home ported in Homer, and requires storage space convenient to the ferry for operations, as well as parking for crews. The applicant provided the following information:

“Development will include construction of a warehouse and re-grading/resurfacing the site for parking and staging. The warehouse will be a 36x60 foot, pre-engineered, metal building that will mainly be unoccupied and used for storage of equipment and supplies for the MC Tustumena that is home-ported at the nearby AMHS Homer Ferry Terminal. Materials stored in the warehouse will include pallets of steel cable, anchor chain, mooring rope; large bags of laundry; pallets of spare furniture; pallets of spare lifesaving equipment; pallets and totes of staging, floor covering, ladders and stools used during shipyard maintenance; pallets or totes of heavy engineering equipment and spare parts; pallets of waste oil, lubricants, thinners and paints that will be in small containers; and will be stored in the building in compliance with all building codes and Alaska Department of Conservation and Environmental Protection Agency regulations. No exterior fuel tanks will be present as heat will be supplied by electrical unit heaters.

The warehouse will be a location for receiving freight during the time when the ship is not at port. No vehicles will be stored in the building. No offices will be in the building.

Regrading/resurfacing will include removing vegetation, removal of inadequate soils and replacement with clean gravels and sands, graded to drain. A portion of the lot that will be used mostly for freight deliveries and freight transfer will be paved. Approximately 9 percent or 1,424 square feet of the lease lot will be paved with two inches of asphalt pavement if the budget allows. Otherwise the lease lot will be surfaces with crushed gravel.”

Applicable code requirements

The following summary is provided for the planning commission to show what requirements the applicant must meet. These items are required for all development in the Marine Industrial District.

Required under HCC: compliance with 21.50.030 Site development standards – level two, which includes items such as a Development Activity Plan, Storm Water Plan, drainage and landscaping requirements. In addition State Fire Marshal Review is required, as is a zoning permit. Exterior lighting

must be in compliance with 21.59.030, level one lighting standards, and 21.28.080 Nuisance Standards also apply. **The applicant's proposal does or will meet all of these code requirements.**

Parking

HCC 21.55.090(10) requires one parking space per 3,000 square feet of warehouse. The site plan shows 16 regular parking spaces and one handicap space. The extra parking is provided for ferry employees while the ship is away from port.

The criteria for granting a Conditional Use Permit is set forth in HCC 21.61.020.

a. The applicable code authorizes each proposed use and structure by conditional use permit in that zoning district.

Applicant: HCC 21.30.030, More than one building containing a permitted principle use on a lot.

Staff response: HCC 21.30.030(j) lists "More than one building containing a permitted principle use on a lot, as a conditional use. HCC 21.30.20 permitted uses, lists (e) Wharves and docks, marine loading facilities, ferry terminals, marine railways; and (h) Warehouse and marshaling yards for storing goods awaiting transfer to marine vessels or off-loaded from a marine vessel and awaiting immediate pickup by land-based transportation;

Finding 1: HCC 21.30.020 (e) and (h) permit the use of ferry terminal and warehouse. HCC 21.30.030(j) conditionally allows more than one building containing a permitted principle use on a lot. The proposed use and structure is authorized by the Marine Industrial zoning distinct code.

b. The proposed use(s) and structure(s) are compatible with the purpose of the zoning district in which the lot is located.

Applicant: The proposed development is similar to the existing use of the property and the use of property at the City of Homer maintenance facility.

Purpose of the District HCC 21.30.10: *"The purpose of the Marine Industrial District is primarily to provide adequate space for those water-dependent industrial uses that require direct marine access for their operation, such as fishing, fish processing, marine transportation, off-shore oil development and tourism; giving priority to those water-dependent uses over other industrial, commercial and recreational uses."*

Finding 2: The purpose of the district includes providing areas for water dependant uses and marine transportation. The ferry is water dependant and provides marine transportation. The warehouse to support the Alaska Marine Highway System is compatible with the purpose of the district.

c. The value of the adjoining property will not be negatively affected greater than that anticipated from other permitted or conditionally permitted uses in this district.

Applicant: The proposed use should improve the appearance of the lease lot. The proposed use should not adversely affect adjoining property values.

Staff comment: Other permitted uses include manufacturing, processing and packing of sea products, and dry docks. These uses can have significant impacts on and off site such as noise, odor, vibration, light trespass, particulate matter and dangerous materials. Conditional uses include heliports, and indoor and outdoor recreation facilities, which may generate noise or traffic.

Finding 3: The value of the adjoining property will not be negatively affected great than that anticipated from other permitted or conditionally permitted uses in this district. The Marine Industrial district permits or conditionally permits seafood processing activities, dry docks, heliports and recreational facilities which could negatively impact adjoining property values.

d. The proposal is compatible with existing uses of surrounding land.

Applicant: The proposed use is similar to the uses of the adjacent City of Homer maintenance facility.

Finding 4: Surrounding land uses include a planned unit development with condominiums and a hotel, the municipal port maintenance shop, ferry ticket office, bulk petroleum storage, water tank, and an RV park. The warehouse is compatible with existing uses of surrounding land. It will not add significant traffic, noise or other on or offsite impacts to the area.

e. Public services and facilities are or will be, prior to occupancy, adequate to serve the proposed use and structure.

Applicant: Yes

Finding 5: The warehouse requires minimal public facilities. Public services such as police and fire response are available and adequate to serve the proposed use and structure.

f. Considering harmony in scale, bulk, coverage and density, generation of traffic, the nature and intensity of the proposed use, and other relevant effects, the proposal will not cause undue harmful effect upon desirable neighborhood character.

Applicant: No adverse affect; occasional traffic on access road, mostly limited to when ship arrive in port and crew changes, primarily minimal activity at the site with occasional freight deliveries, freight transfer to and from the ship during the time ship is at port, and consolidation of stored material to inside a building.

Staff comment: Desirable neighborhood character as guided by the 1999 Comprehensive Plan includes: Manage the land and other resources of the spit to accommodate its natural processes, while allowing fishing, tourism, other marine related development, and open space/recreational uses. Increase year round employment.

Finding 6: The warehouse will generate minimal traffic to and from the site, with occasional deliveries, and more frequent transfers when the ferry is in port. The warehouse by nature and intensity of use is of low intensity. The warehouse is fairly small, will not have numerous regular deliveries, and will not be utilized for a high volume of goods. The coverage, bulk and scale of the warehouse does not substantially

change the amount of coverage, the scale or the density of the lot. The proposed warehouse will not cause a harmful effect on neighborhood character; it will not negatively effect natural resources, nor fishing, tourism and other open space or recreational uses.

g. The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area or the city as a whole.

Applicant: the building will be designed and constructed in accordance with the International Building Code as amended by the State of Alaska, and pass a plan review by the State of Alaska Fire Marshal.

Finding 7: The building will be reviewed for compliance with state adopted health welfare and safety regulations which will adequately protect the health, safety and welfare of the surrounding area. The proposal will not affect health safety or welfare of the city as a whole.

h. The proposal does or will comply with the applicable regulations and conditions specified in this title for such use.

Finding 8: The proposal does or will apply with applicable City of Homer zoning regulations. Fire Marshal Review, and city permits such as a storm water plan and a zoning permit are required prior to any site development. No portion of city code is waived for this development.

i. The proposal is not contrary to the applicable land use goals and objectives of the Comprehensive Plan.

Finding 9: The warehouse is a support structure for the Alaska Marine Highway System, for the Ferry Tustumena. The building provides the storage space the ferry needs to continue to use Homer as its homeport, providing good transportation options to area residents, and utilizing harbor facilities. The warehouse supports ferry operations which allow Homer to remain competitive as a homeport, which in turn supports year round employment for residents through continued ferry operations.

j. The proposal will comply with all applicable provisions of the Community Design Manual.

Staff comment: The CDM recommends outdoor furnishings along rights of ways, in public and quasi public spaces. This project is not adjacent to a right of way and is not in a public or quasi public space.

Finding 10: There are no applicable provisions of the Community Design Manual for this project.

In approving a conditional use, the Commission may impose such conditions on the use as may be deemed necessary to ensure the proposal does and will continue to satisfy the applicable review criteria. Such conditions may include, but are not limited to, one or more of the following:

Applicant's responses are in bold text:

1. Special yards and spaces.
2. Fences, walls and screening.
3. Surfacing of vehicular ways and parking areas. **Gravel surfacing of parking areas, paved surfacing at the entrance to the building. See site plan.**

4. Street and road dedications and improvements (or bonds). **If funding allows, Alaska Department of Transportation and Public Facilities will either directly upgrade and pave the existing access road that will service this lot or provide funds to the City of Homer to perform such an upgrade.**
5. Control of points of vehicular ingress and egress. **The access will be restricted to the existing access to the lot, the road that serves the City of Homer Maintenance Facility.**
6. Special restrictions on signs.
7. Landscaping. **There will be a 3 foot sand/gravel/beach grass buffer on the east and south edges of the property and 4 foot landscaping buffer on the west edge of the property.**
8. Maintenance of the grounds, buildings, or structures. **The State of Alaska will maintain the grounds, and the building.**
9. Control of noise, vibration, odors, lighting or other similar nuisances. **There will be electrical unit heaters in the building so no smoke should be produced from the building, no vibrations. On-site lighting will be directed downwards onto the lot. The small quantities of waste oils, lubricants and liquids will be stored in an area with secondary containment. There will be no generation of waste.**
10. Limitation of time for certain activities.
11. A time period within which the proposed use shall be developed and commence operation. **The development will be performed between spring and November 2010.**
12. A limit on total duration of use or on the term of the permit, or both.
13. More stringent dimensional requirements, such as lot area or dimensions, setbacks, and building height limitations. Dimensional requirements may be made more lenient by conditional use permit only when such relaxation is authorized by other provisions of the zoning code. Dimensional requirements may not be altered by conditional use permit when and to the extent other provisions of the zoning code expressly prohibit such alterations by conditional use permit.
14. Other conditions necessary to protect the interests of the community and surrounding area, or to protect the health, safety, or welfare of persons residing or working in the vicinity of the subject lot.

Condition 1: Pave the area in front of the warehouse as shown on sheet 3 of 6 of the application.

Condition 2: Screen the dumpster on three sides, preferably with a fence.

Condition 3: In areas where beach grass, gravel and sand will be used for landscaping, seed with a beach grass blend within one year of completion of the building.

PUBLIC WORKS COMMENTS: No comments.

FIRE DEPARTMENT COMMENTS: Fire Chief Painter did not have any concerns. A Fire Marshal Review will be required.

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission approve with conditions one through three, and findings one through 10.

Note: Approval of a Conditional Use Permit requires five yes votes

ATTACHMENTS

1. Application
2. Location map

IT'S A NEW WAY OF THINKING
IT'S A NEW WAY OF THINKING

IT'S A NEW WAY OF THINKING

IT'S A NEW WAY OF THINKING
IT'S A NEW WAY OF THINKING
IT'S A NEW WAY OF THINKING



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Conditional Use Permit Application Requirements:

1. A Site Plan
2. Right of Way Access Plan
3. Parking Plan
4. A map showing neighboring lots and a narrative description of the existing uses of all neighboring lots. (Planning can provide a blank map for you to fill in).
5. Completed Application Form
6. Payment of application fee (nonrefundable)
7. Any other information required by code or staff, to review your project

Circle Your Zoning District

	RR	UR	RO	CBD	TCD	GBD	GC1	GC2	MC	MI	OSR	BCWPD
Level 1 Site Plan	x	x	x			x			x		x	x
Level 1 ROW Access Plan	x	x							x		x	
Level 1 Site Development Requirements	x	x	x									
Level 1 Lighting				x	x	x	x	x	x	x		
Level 2 Site Plan				x	x		x	x		x		
Level 2 ROW Access Plan			x	x	x		x	x		x		
Level 2 Site Development Requirements				x	x	x	x	x		x		
Level 3 ROW Access Plan						x						
DAT/SWP questionnaire				x	x	x	x	x	x	x		

Circle applicable permits. Planning staff will be glad to assist with these questions.

- ☒ Y ☐ N Are you building or remodeling a commercial structure, or multifamily building with more than 3 apartments? If yes, Fire Marshal Certification is required. Status: The State Fire Marshal plan review will occur during the design/build phase of the project and be applied for by the design/build contractor.
- ☒ Y ☐ N Will your development trigger a Development Activity Plan? YES
Application Status: The development activity plan will be applied for when the design is complete. Likely by March 15, 2010.
- ☒ Y ☐ N Will your development trigger a Storm water Plan? YES
Application Status: Project is in the design phase and plans should be available for submittal by March 15, 2010
- ☒ Y ☐ N Does your site contain wetlands? NO If yes, Army Corps of Engineers Wetlands Permit is required. Application Status: _____
- ☒ Y ☐ N Is your development in a floodplain? NO If yes, a Flood Development Permit is required.
- ☒ Y ☐ N Does your project trigger a Community Design Manual review? NO
If yes, complete the design review application form.
- ☒ Y ☐ N Do you need a traffic impact analysis? NO
- ☒ Y ☐ N Are there any nonconforming uses or structures on the property? There are currently two sets of steel shipping containers on the property that will be removed. One set is owned

by the City of Homer and another is owned by Alaska Marine Highway System. See attached drawing.

Y/N Have they been formally accepted by the Homer Advisory Planning Commission?
Unknown

☒ Y/N Do you have a state or city driveway permit? Status : Access to the site is via an existing driveway that serves the City of Homer Public Works Maintenance facility.

Y ☒ N Do you have active City water and sewer permits? Status: No water or sewer utilities are anticipated.

Applicant

Name: Mr. Charles van Kirk, Operations Manager, Alaska Marine Highway System

Telephone No.: (907) 228-7252

Address: 7559 N Tongass Highway, Ketchikan, Alaska 99901

Email: chuck.vankirk@alaska.gov

Property Owner (if different than the applicant):

Name: Walt Wrede, City Manager, City of Homer

Telephone No.: 235-8121

Address: 491 East Pioneer, Homer, Alaska Email: _____

PROPERTY INFORMATION:

Address: 4667 Homer Spit Road Lot Size: 0.367 acres KPB Tax ID #18103404

Legal Description of Property: A portion of Lot 48.

1. Currently, how is the property used? The lease lot is currently be used for storage. Some material is being stored outside. Some material is being stored in the two sets of steel shipping containers on site.

Are there buildings on the property? There are two sets of steel shipping containers that are on the site that will be removed.

How many square feet? City of Homer shipping containers are 480 sf, State of Alaska shipping containers are 960 sf.

Uses within the building(s)? Storage

2. What is the proposed use of the property? Construction of a warehouse and parking for the crews of the MV Tustumena. No open storage will occur.

How do you intend to develop the property? (Attach additional sheet if needed. Provide as much information as possible) Development will include construction of a

- ☒ warehouse and re-grading/ resurfacing the site for parking and staging. The warehouse will be a 36 x 60 foot, pre-engineered, metal building that will be mainly unoccupied and used for storage or equipment and supplies for the MV Tustumena that is home-ported at the nearby AMHS Homer Ferry Terminal.

Materials stored in the warehouse will include pallets of steel cable, anchor chain, mooring rope; large bags of laundry; pallets of spare furniture; pallets of spare lifesaving equipment; pallets and totes of staging, floor covering, ladders and stools used during shipyard maintenance; pallets or totes of heavy engineering equipment and spare parts; pallets of waste oil, lubricants, thinners and paints that will be in small containers; and supplies for the MV Tustumena. Note that small amounts of petroleum, oil and lubricant will be stored in the building in compliance with all building codes and Alaska Department of Environmental Conservation and Environmental Protection Agency regulations. No exterior fuel tanks will be present as heat will be supplied by electrical unit heaters.

The warehouse will be a location for receiving freight during the time when the ship is not at port. No vehicles will be stored in the building. No offices will be in the building.

Re-grading/resurfacing will include removing vegetation, removal of inadequate soils and replacement with clean gravels and sands, graded to drain. A portion of the lot that will be used mostly for freight deliveries and freight transfer will be paved. Approximately 9 percent or 1,424 sf of the lease lot will be paved with 2 inches of asphalt pavement if the budget allows. Otherwise the lease lot will be surfaced with crushed gravel.

Please see attached site plan.

CONDITIONAL USE INFORMATION: (Please use additional sheet(s), if necessary)

- a. What code citation authorizes each proposed use and structure by conditional use permit? Amend CUP 04-13 for More than one building containing a permitted principal use on a lot" per HCC 21.30.030 _____
- b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district. The proposed development is similar to the existing use of the property and the use of property at the City of Homer maintenance facility.
- c. How will your proposed project affect adjoining property values? The proposed use should improve the appearance of the lease lot. The proposed use should not adversely affect adjoining property values.
- d. How is your proposal compatible with existing uses of the surrounding land? The proposed use is similar to the uses of the adjacent City of Homer maintenance facility.

- e. Are/will public services adequate to serve the proposed uses and structures?
Yes
- f. How will the development affect the harmony in scale, bulk, coverage and density upon the desirable neighborhood character, and will the generation of traffic and the capacity of surrounding streets and roads be negatively affected? No adverse affect: occasional traffic on access road, mostly limited to when ship arrives in port and crew changes, primarily minimal activity at the site with occasional freight deliveries, freight transfer to and from ship during the time ship is at port, and consolidation of stored material to inside a building.
- g. Will your proposal be detrimental to the health, safety or welfare of the surrounding area or the city as a whole? No. The building will be designed and constructed in accordance with the International Building Code as amended by the State of Alaska, and pass a plan review by the State of Alaska Fire Marshal.
- h. How does your project relate to the goals of the Comprehensive Plan?
The 2006 Town Center Plan: <http://clerk.ci.homer.ak.us/tcdplan.pdf> - Not Applicable
The 1999 Comprehensive Plan:
<http://planning.ci.homer.ak.us/PLANNINGWEBPAGES/DefaultLinks/Complan99.pdf>
-
- i. The Planning Commission may require you to make some special improvements. Are you planning on doing any of the following, or do you have suggestions on special improvements you would be willing to make? (circle each answer)
1. Y (N) Special yards and spaces.
 2. Y (N) Fences, walls and screening.
 3. (Y) (N) Surfacing of parking areas:
 4. (Y) (N) Street and road dedications and improvements (or bonds).
 5. (Y) (N) Control of points of vehicular ingress & egress.
 6. Y (N) Special provisions on signs.
 7. (Y) (N) Landscaping.
 8. (Y) (N) Maintenance of the grounds, buildings, or structures.
 9. (Y) (N) Control of smoke, odors, gases, particulate matters, noise, vibration, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances.
 10. Y (N) Time for certain activities.
 11. (Y) (N) A time period within which the proposed use shall be developed.
 12. Y (N) A limit on total duration of use.
 13. Y (N) Special dimensional requirements such as lot area, setbacks, building height.
 14. Y (N) Other conditions deemed necessary to protect the interest of the community.

If yes on any of the above, please provide more information

3. Gravel surfacing of parking areas, paved surfacing at the entrance to the building. See site plan

4. If funding allows, Alaska Department of Transportation and Public Facilities will either directly upgrade and pave the existing access road that will serve this lot or provide funds to the City of Homer to perform such an upgrade.

5. The access will be restricted to the existing access to the lot, the road that serves the City of Homer Maintenance Facility.
6. There will be a 3 foot sand/gravel/beach grass buffer on the east and south edges of the property and 4 foot landscaping buffer on the west edge of the property.
8. The State of Alaska will maintain the grounds, and the building.
9. There will be electric unit heaters in the building so no smoke should be produced from the building, no vibration. On-site lighting will be directed downwards onto the lot. The small quantities of waste oils, lubricants and liquids will be stored in an area with secondary containment. There will be no generation of waste.
10. The development will be performed between spring and November 2010

PARKING

1. How many parking spaces are required for your development? Five (minimum of 5 per lot on the spit.) (building area is 2160 sf. need one space for each 3000 sf or one for each employee per HCC 7.12.020 a. 8.)

If more than 24 spaces are required see HCC 21.50.030(f)(1)(b).

2. How many spaces are shown on your parking plan? 17 including one ADA accessible space
3. Are you requesting any reductions in the number of spaces required, or proposing any joint use or off site parking? NO

Detailed Parking Code at: <http://clerk.ci.homer.ak.us/document/712.htm>

Include a site plan, drawn to a scale of not less than 1" = 20' which shows allow existing and proposed structures, clearing, fill, vegetation and drainage.

I hereby certify that the above statements and other information submitted are true and accurate to the best of my knowledge, and that I, as applicant, have the following legal interest in the property:

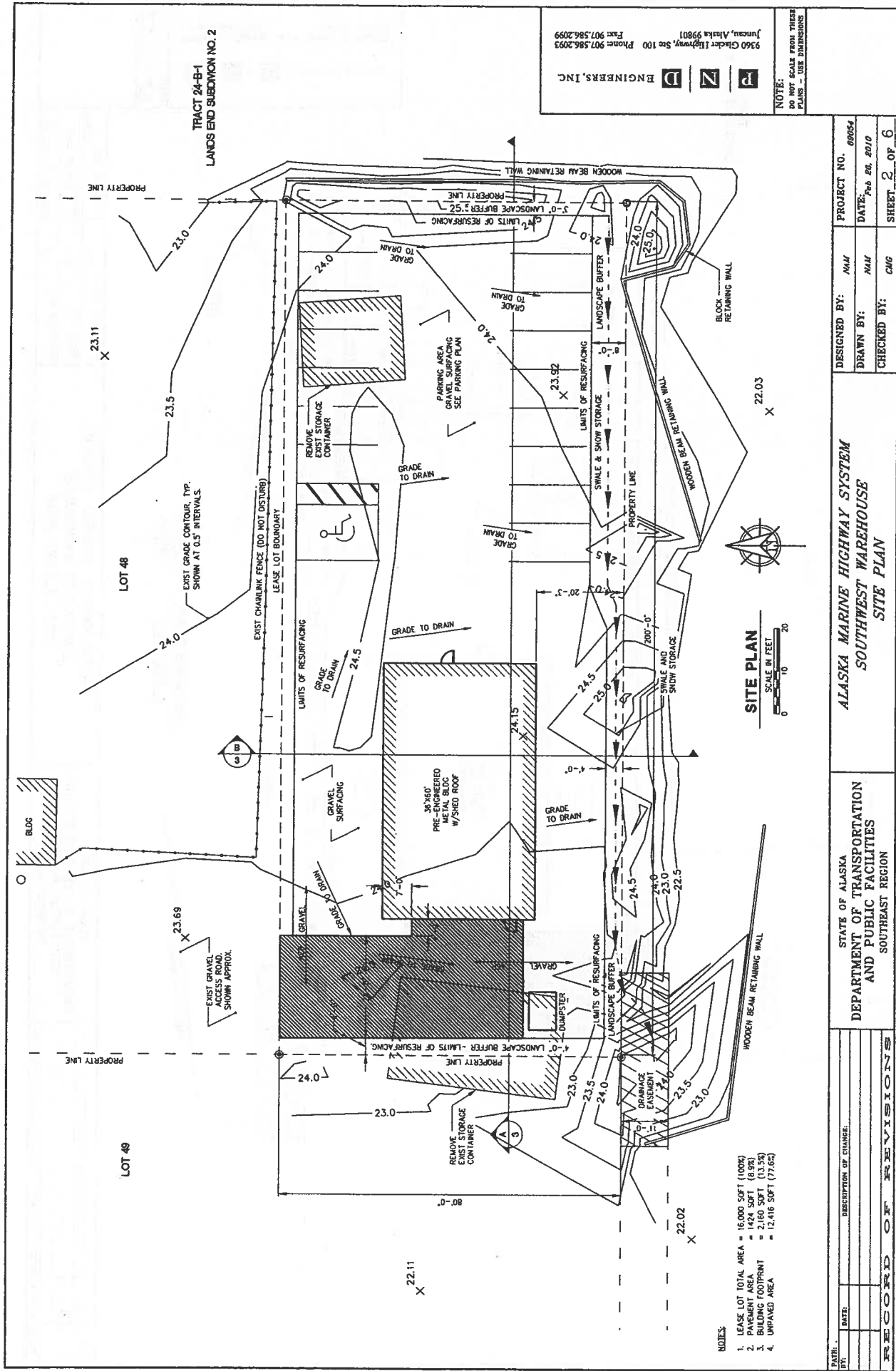
CIRCLE ONE: Owner of record Lessee Contract purchaser

Applicant signature: Charles Tan Zik Date: 2-26-10

Property Owner's signature: _____ Date: _____

For staff use:

Date: _____	Fee submittal: Amount _____
Received by: _____	Date application accepted as complete _____
Planning Commission Public Hearing Date: _____	



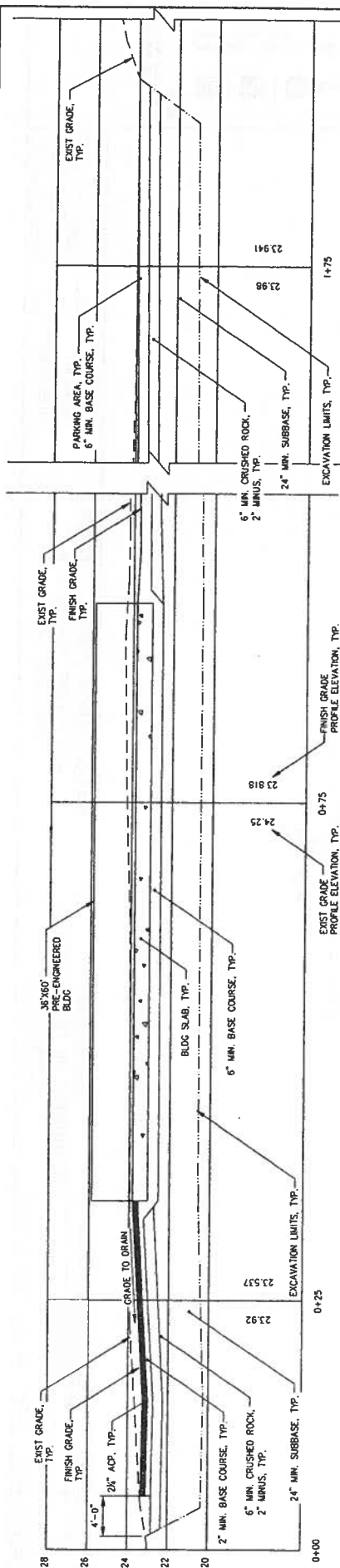
- NOTES**
1. LEASE LOT TOTAL AREA = 16,000 SQFT (100%)
 2. PAVEMENT AREA = 1424 SQFT (8.9%)
 3. BUILDING FOOTPRINT = 2,160 SQFT (13.5%)
 4. UNPAVED AREA = 12,416 SQFT (77.6%)

9360 Glacier Highway, Ste 100 Phone: 907.586.2099
 JUNEAU, Alaska 99801 Fax: 907.586.2099
D N P ENGINEERS, INC.

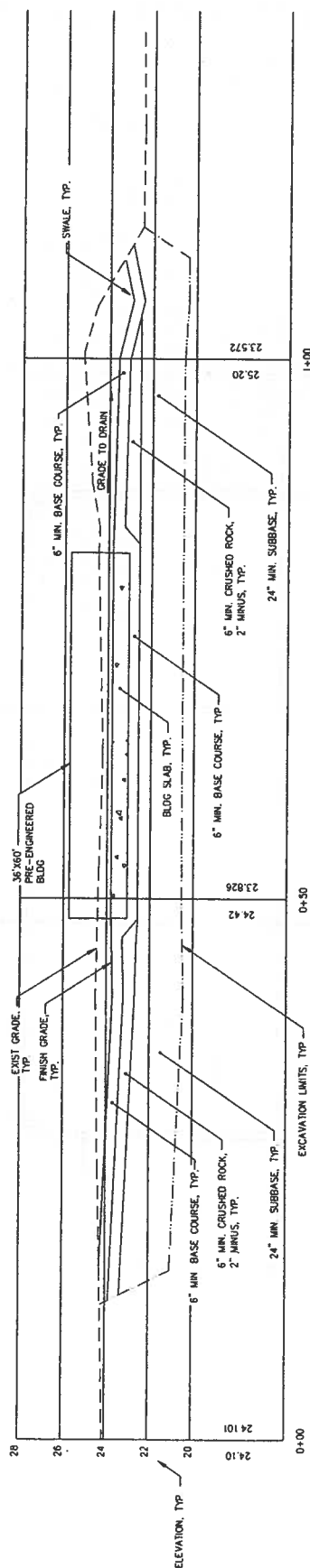
NOTE:
 DO NOT SCALE FROM THESE
 PLANS - USE DIMENSIONS

PATH: _____ DTI: _____	DATE: _____	DESIGNED BY: <i>MM</i>	PROJECT NO. 68054
	DATE: <i>Feb 20, 2010</i>	DRAWN BY: <i>MM</i>	
		CHECKED BY: <i>CWG</i>	
			SHEET 2 OF 6
STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES SOUTHEAST REGION			
ALASKA MARINE HIGHWAY SYSTEM SOUTHWEST WAREHOUSE SITE PLAN			
RECORD OF REVISIONS			

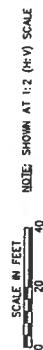
RECORD OF REVISIONS	



TYPICAL SECTION



TYPICAL SECTION



NOTE:
DO NOT SCALE FROM THESE
PLANS - USE DIMENSIONS

P | N | D ENGINEERS, INC.
9360 Glacier Highway, Ste 100 Phone: 907.586.2093
Juncos, Alaska 99801 Fax: 907.586.2099

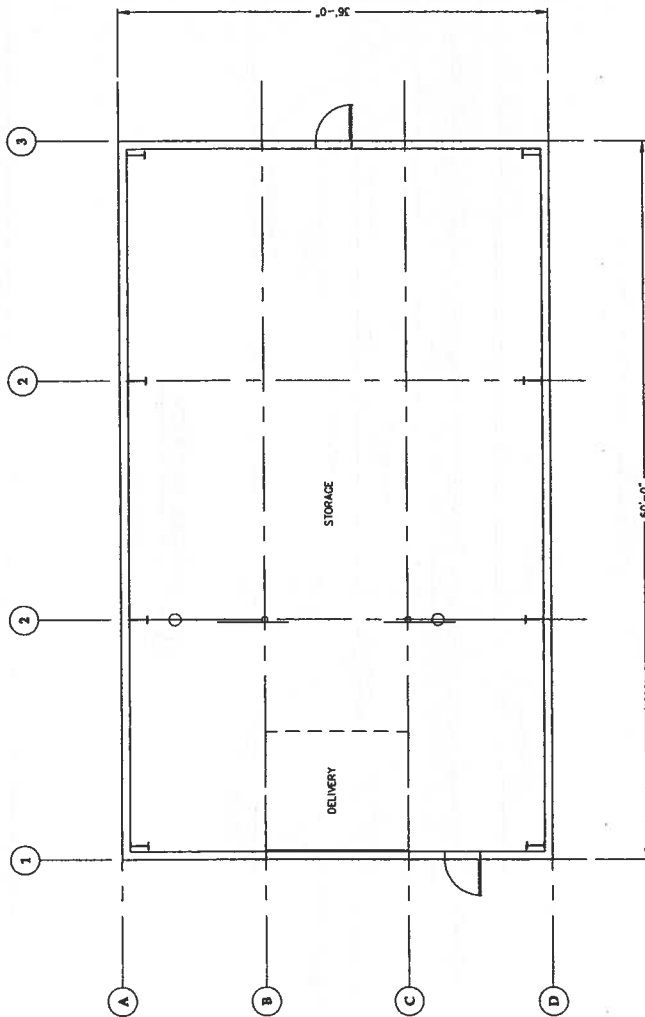
DATE	DESCRIPTION OF CHANGE	STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES SOUTHEAST REGION	ALASKA MARINE HIGHWAY SYSTEM SOUTHWEST WAREHOUSE TYPICAL SECTIONS	DESIGNED BY:	MM	PROJECT NO.	69054
				DRAWN BY:	MM	DATE:	Feb. 28, 2010
				CHECKED BY:	CMG	SHEET	4 OF 6
RECORD OF REVISIONS							

[illegible]

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES
SOUTHEAST REGION

**ALASKA MARINE HIGHWAY SYSTEM
SOUTHWEST WAREHOUSE
TYPICAL SECTIONS**

DESIGNED BY:	MM	PROJECT NO.	09054
DRAWN BY:	MM	DATE:	Feb 26, 2010
CHECKED BY:	CMG	SHEET	4 OF 6



BUILDING PLAN

1

SCALE IN FEET
0 5 10

P | N | D ENGINEERS, INC.
9360 Glacier Highway, Ste 100 Juneau, Alaska 99801
Phone: 907.586.2093 Fax: 907.586.2099

NOTE:
DO NOT SCALE FROM THESE
PLANS - USE DIMENSIONS

DESIGNED BY: JZ	PROJECT NO. 69054
DRAWN BY: JZ	DATE: Feb 28, 2010
CHECKED BY: CWG	SHEET 5 OF 6

ALASKA MARINE HIGHWAY SYSTEM
SOUTHWEST WAREHOUSE
BUILDING PLAN

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES
SOUTHEAST REGION

DATE	DESCRIPTION OF CHANGE

RECORD OF REVISIONS

9360 Glacier Highway, Ste 100 Juneau, Alaska 99801
 Phone: 907.586.2093 Fax: 907.586.2099

P **N** **D** ENGINEERS, INC.

NOTE:
 DO NOT SCALE FROM THESE
 PLANS - USE DIMENSIONS

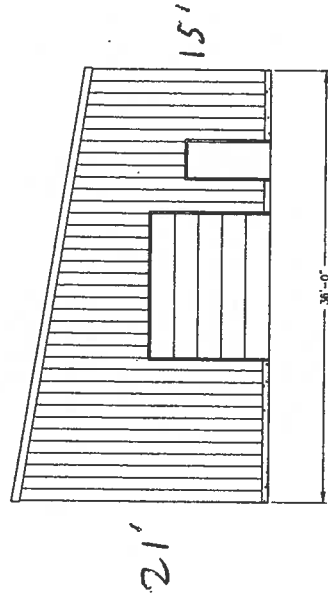
DESIGNED BY:	JYL	PROJECT NO.	69054
DRAWN BY:	JYL	DATE:	Feb 28, 2010
CHECKED BY:	CMC	SHEET	6 OF 6

ALASKA MARINE HIGHWAY SYSTEM
 SOUTHWEST WAREHOUSE
 BUILDING ELEVATIONS

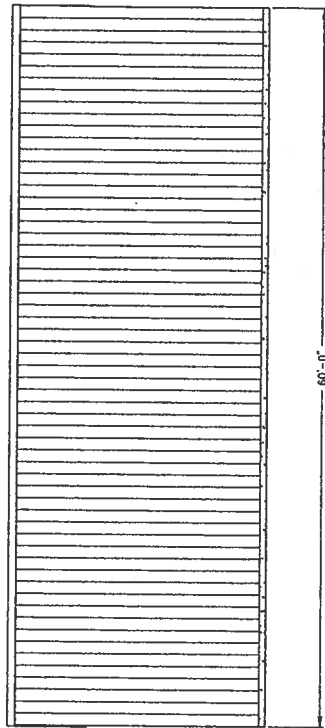
STATE OF ALASKA
 DEPARTMENT OF TRANSPORTATION
 AND PUBLIC FACILITIES
 SOUTHEAST REGION

DATE	DESCRIPTION OF CHANGE

RECORD OF REVISIONS



FRONT VIEW

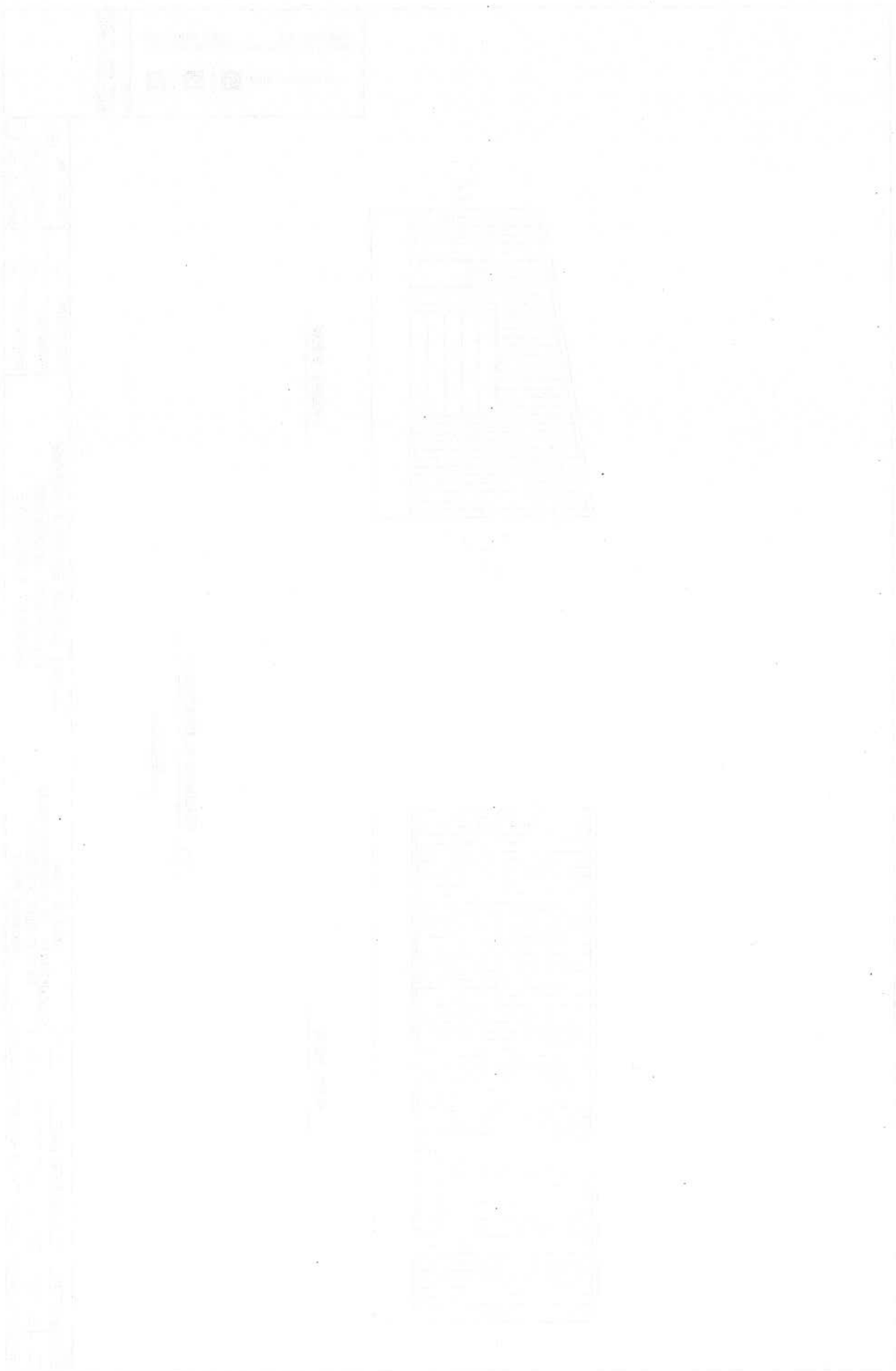


SIDE VIEW

BUILDING ELEVATIONS

1

SCALE IN FEET
 0 5 10





City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

<i>Telephone</i>	(907) 235-8121
<i>Fax</i>	(907) 235-3118
<i>E-mail</i>	Planning@ci.homer.ak.us
<i>Web Site</i>	www.ci.homer.ak.us

STAFF REPORT PL 10-26

TO: Homer Advisory Planning Commission

FROM: Rick Abboud, City Planner

MEETING: March 17, 2010

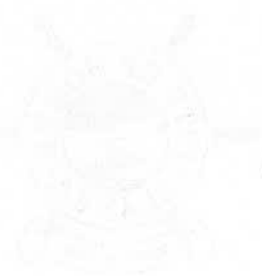
SUBJECT: Staff Report PL 10-26, Draft Homer Spit Comprehensive Plan Revised

Introduction

Pat Coleman of USKH has electronically participated in a Port Commission meeting and the joint work session of the Planning and Port Commission meeting March 3rd. He was to revise the plan according to comments received for your review and adoption.

Action

The commission should adopt the appropriate changes and then we will advertise for a public open house meeting to present the draft plan.



City of Houston
Planning & Zoning
Department

1000 West Loop West
Suite 1000
Houston, Texas 77027
Tel: 713-855-1000

12-21-2003 10:10 AM

12-21-2003 10:10 AM

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City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 10-20

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: February 17, 2010, *March 17, 2010*
SUBJECT: Transportation Advisory Committee (TAC)

Volunteer:

Now that Kent Haina has resigned, the Planning Commission now needs a new representative to the Transportation Advisory Committee. This committee meets quarterly and is scheduled to meet from 5:30 – 7:00pm on May 20th, August 19th, and November 18th in 2010. Appointments to this committee are for three years and start in April.

Action:

The Commission does not necessarily have to take action tonight, but should forward a volunteer before the end of March. If a nomination is not made at this meeting, postpone until an appropriate time.

City of Honolulu
 Planning & Zoning
 Department
 150 South Beretania Street
 Honolulu, Hawaii 96813
 Phone: (808) 538-1234
 Fax: (808) 538-1235
 Email: info@cityofhawaii.gov

THE CITY OF HONOLULU
 PLANNING & ZONING DEPARTMENT
 150 SOUTH BERETANIA STREET
 HONOLULU, HAWAII 96813
 PHONE: (808) 538-1234
 FAX: (808) 538-1235
 EMAIL: info@cityofhawaii.gov

THE CITY OF HONOLULU
 PLANNING & ZONING DEPARTMENT
 150 SOUTH BERETANIA STREET
 HONOLULU, HAWAII 96813
 PHONE: (808) 538-1234
 FAX: (808) 538-1235
 EMAIL: info@cityofhawaii.gov



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 10-17

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: February 17, 2010, March 17, 2010
SUBJECT: Land Allocation Plan

Attached you will find a copy of the 2010 Draft Land Allocation Plan for your review. Every year, the City Council requests all the advisory commissions to review city owned land. Commissions may make recommendations on how the city should use its land, which should be leased, sold, turned into parks, etc. Some years there are a lot of recommendations; other years there are very few. The Council holds a joint work session for the Land Allocation Plan with all the Commissions, and this year it is scheduled for Monday, March 22nd. When the Council has heard or read the recommendations from the Commissions, they pass a resolution, which lists any properties to be sold, leased, etc.

The Planning and Zoning Department puts together the Land Allocation Plan, so if you questions about a particular property, please email staff.

The Planning Commission should have a discussion in regards to recommendations, and participation in the joint work session. Recommendations from the Commission will be forwarded in a memo to Council. The Commission should also figure out who will attend the work session. All commissioners are invited, but the Commission should ensure that at least one Commissioner will attend to represent its views. (Staff can remind the Commission closer to the meeting).

So far, the Port and Harbor and Lease Committee have reviewed the draft plan, and arrived at the following recommendation: the northwest corner of the harbor from Freight Dock Road to within 150 feet of Ramp 5 be designated for short term leases, one to two years, for small kiosk buildings under 500 square feet.

Recommendation:

Planning Commission review land allocation plan, formulate recommendations if any, and figure out who will attend the work session.

ATTACHMENTS

1. 2010 Land Allocation Plan – Review Draft

City of Houston

Planning & Economic Development

10000 North Loop West, Suite 1000

Houston, Texas 77057

Phone: 713-855-1000
Fax: 713-855-1001
Email: info@cityofhouston.gov
Website: www.cityofhouston.gov

10000 North Loop West, Suite 1000

Houston, Texas 77057

Phone: 713-855-1000

Fax: 713-855-1001

Email: info@cityofhouston.gov

The City of Houston is a large, diverse, and dynamic community. It is a city of opportunity, innovation, and progress. The City of Houston is committed to providing a high quality of life for all of its residents. The City of Houston is committed to providing a safe, secure, and healthy environment for all of its residents. The City of Houston is committed to providing a strong, stable, and growing economy for all of its residents. The City of Houston is committed to providing a vibrant, thriving, and beautiful community for all of its residents.

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Homer, Alaska 99603-7645

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E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 10-22

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: March 17, 2010
SUBJECT: East End Road Right of way acquisition plat

Synopsis: the Kenai Peninsula Borough is requesting comments on the proposed right of way acquisition for the East End Road reconstruction, for the portion within city limits.

GENERAL INFORMATION

The State of Alaska DOT is planning to reconstruct a portion of East End Road. This project consists of construction between mile post 3.75 and 5.16, Kachemak Drive to Waterman Road. Waterman Road is about half way between Wasabi's Restaurant, and the Lynx golf course. Plan sheet #4 and a portion of sheet #5 are within city limits and are attached. The proposed right of way will take between 6 and 24 feet from various properties within Homer city limits. The timeframe for the project is currently as follows: Right of way acquisition March 2010 through August 2011, construction October 15, 2011 to December 15, 2012.

Under Kenai Peninsula Borough Code, a right of way acquisition plat is different than a regular preliminary plat. There is no notification of property owners, nor is it required that cities be given the opportunity to comment. This is the first DOT project that will go through the cities for comment. The city appreciates this opportunity! Borough code 20.04.080 (page 20-9) addresses right of way acquisition plats. The requested action from the Homer Advisory Planning Commission and city departments is to provide any comments on the easement acquisition.

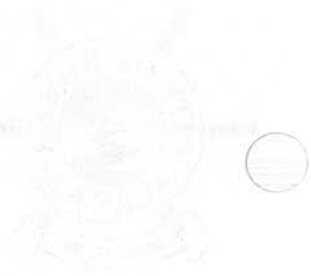
PUBLIC WORKS COMMENTS: The Public Works Department had no comments.

FIRE DEPARTMENT COMMENTS: Fire Chief Painter had no comments.

STAFF COMMENTS/RECOMMENDATIONS: HAPC provide any comments on the new right of way to the Borough for consideration.

ATTACHMENTS

1. DOT plan sheets



City of Houston Planning & Zoning Department

1000 West Loop West, Suite 1000
Houston, Texas 77027
713.861.2000
www.houstontx.gov/planning

PLANNING & ZONING DEPARTMENT

1. Project Name: [Project Name]
2. Project Location: [Project Location]
3. Project Description: [Project Description]
4. Project Status: [Project Status]

The Planning & Zoning Department is responsible for the development and implementation of the City's land use policies and programs.

For more information, please contact:

Mr. [Name], Director
Planning & Zoning Department
1000 West Loop West, Suite 1000
Houston, Texas 77027
713.861.2000
www.houstontx.gov/planning

The Planning & Zoning Department is responsible for the development and implementation of the City's land use policies and programs. This includes the review and approval of all proposed land use changes, as well as the development of the City's comprehensive land use plan.

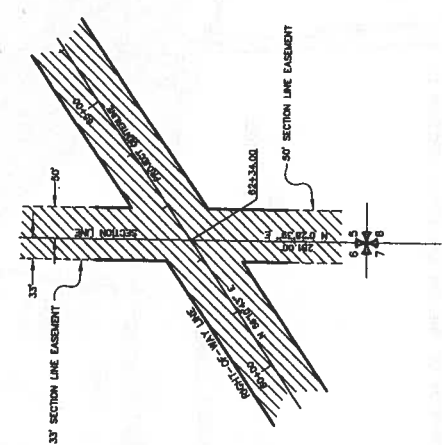
For more information, please contact:

Mr. [Name], Director
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1000 West Loop West, Suite 1000
Houston, Texas 77027
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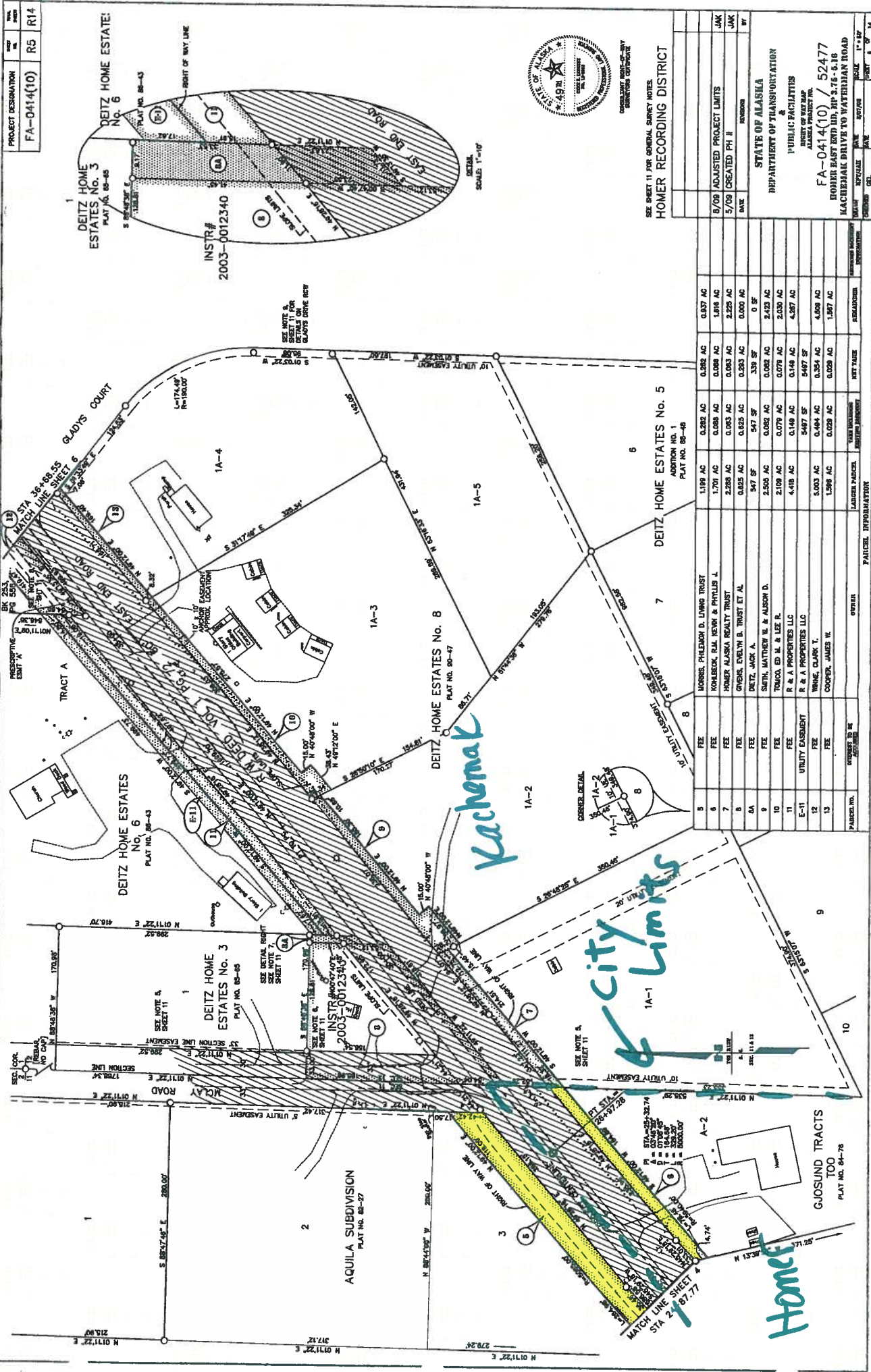
PLANNING & ZONING DEPARTMENT

1000 West Loop West, Suite 1000

TO BE SET PROJECT		RECOVERED		PROJECT DESCRIPTION		SHEET NO.	
FED. GOVT SECTION CORNER		FED. GOVT 1/4 SECTION CORNER		FA-0414(10)		R2	
FED. GOVT 1/4 SECTION CORNER		FED. GOVT 1/16 SECTION CORNER		HOMER RECORDING DISTRICT		R14	
FED. GOVT 1/16 SECTION CORNER		FED. GOVT SURVEY MONUMENT		STATE OF ALASKA		DEPARTMENT OF TRANSPORTATION	
FED. GOVT SURVEY CORNER		FED. GOVT SURVEY CORNER		PUBLIC FACILITIES		FA-0414(10)	
GOVT CONTROL STA.		GOVT CONTROL STA.		RIGHT-OF-WAY LEGEND SHEET		SHEET 2 OF 14	
PRIMARY MONUMENT [BRASS/AL CAP]		MISC. SECONDARY CORNER		PIPELINES:		EXISTING	
PRIMARY CENTERLINE MONUMENT		SECONDARY CENTERLINE MONUMENT		SANITARY SEWER		OIL	
CONTROL POINT		CONTROL POINT		GAS		WATER	
INTERNATIONAL BOUNDARY LINE		TOWNSHIP & RANGE LINE		STORM DRAIN		SIDEWALK	
SECTION LINE		SECTION LINE		CONCRETE CURB		CONCRETE CURB & GUTTER	
1/4 SECTION LINE		1/4 SECTION LINE		DRIVEWAY, APPROACH, & SIDEDRAIN		BRIDGE	
1/16 SECTION LINE		1/16 SECTION LINE		BRIDGE		RIPRAP	
CORPORATE or CITY LIMITS		CORPORATE or CITY LIMITS		U.G. TELEPHONE (DIRECT BURY)		U.G. ELECTRIC (DIRECT BURY)	
SECTION LINE EASEMENT AND SECTION LINE-CENTERLINE INTERSECTION		SECTION LINE EASEMENT AND SECTION LINE-CENTERLINE INTERSECTION		U.G. DUCT		TELEPHONE MANHOLE	
				EXISTING EASEMENT LINE		LIMIT OF CUT SLOPE	
				LIMIT OF CUT SLOPE		LIMIT OF FILL SLOPE	
				PROPOSED ROADWAY		EXISTING ROADWAY	
				EXISTING ROADWAY		NOISE BARRIER	
				NOISE BARRIER		FENCE	
				STONE FENCE		HEAD & WINGWALL	
				HEAD & WINGWALL		GUARD RAIL	
				GUARD RAIL		RETAINING WALL	
				RETAINING WALL		TUNNEL	
				TUNNEL		INTERMITTENT DRAINAGE	
				INTERMITTENT DRAINAGE		INTERCEPTOR DITCH	
				INTERCEPTOR DITCH		MARSHLAND	
				MARSHLAND		CREEK	
				CREEK		RIVER	
				RIVER		LAKE	
				LAKE		RESERVOIR	
				RESERVOIR		CHANNEL CHANGE	
				CHANNEL CHANGE			



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
PUBLIC FACILITIES
FA-0414(10)
RIGHT-OF-WAY LEGEND SHEET
HOMER RECORDING DISTRICT
SHEET 2 OF 14



SEE SHEET 11 FOR GENERAL SURVEY NOTES.
HOMER RECORDING DISTRICT

DATE	REVISION
8/09	ADJUSTED PROJECT LIMITS
5/09	CREATED PH II
JAK	
JAK	
BT	

PARCEL NO.	OWNER	PARCEL INFORMATION	LAGER PARCEL	NET VALUE	REMARKS
5	MORRIS, PHILIP D. LIVING TRUST	1.199 AC	0.282 AC	0.282 AC	0.837 AC
6	KONLECK, RAL. NEWM & PHYLLIS L.	1.701 AC	0.088 AC	0.088 AC	1.613 AC
7	HOMER ALASKA REALTY TRUST	2.209 AC	0.053 AC	0.053 AC	2.156 AC
8	OWENS, ENELYN B. TRUST ET AL	0.825 AC	0.825 AC	0.825 AC	0.000 AC
9	DEITZ, JACK A.	547 SF	547 SF	547 SF	0 SF
10	SMITH, MATTHEW W. & ALISON D.	2.509 AC	0.082 AC	0.082 AC	2.427 AC
11	TOMCO, ED M. & LEE R.	2.109 AC	0.079 AC	0.079 AC	2.030 AC
12	R & A PROPERTIES LLC	4.418 AC	0.148 AC	0.148 AC	4.270 AC
13	WINNE, CLARK T.	5.003 AC	0.464 AC	0.464 AC	4.539 AC
14	COOPER, JAMES W.	1.968 AC	0.029 AC	0.029 AC	1.939 AC

DATE	REVISION
8/09	ADJUSTED PROJECT LIMITS
5/09	CREATED PH II
JAK	
JAK	
BT	

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
DIVISION OF PUBLIC FACILITIES
SURVEY OF WAY MAP
ALASKA PROJECT NO.
FA-0414(10) / 52477
HOMER EAST BVD. RD. MP 5.75 - 5.16
KACHEMAK DRIVE TO WATKINSON ROAD



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 10-25

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: March 17, 2010
SUBJECT: Draft dirt work ordinance

Requested Action: review the draft ordinance, forward to city attorney for review and schedule for public hearing. Staff recommends the Commission be familiar with the ordinance for the March 17th meeting, and finalizing the ordinance on April 7th, prior to sending it to the attorney for review. After attorney review, then schedule a public hearing.

Introduction

This ordinance creates two new regulations. First, it requires storm water plans for certain projects in residential districts. Second, it creates standards for fill.

The Commission previously discussed how much regulation should apply in residential districts, and it was felt that best management practices and education were preferred over more rules at this time. In addition, storm water plans and development activity plans are now required in the Residential Office district for commercial development (ordinance 10-06, adopted February 9, 2010).

Storm Water Plans

The way Homer City Code title 21 is written, all development in a district must meet the development standards of "level one" which is generally the residential districts, or "level two" which is mostly commercial districts. The rules in the commercial districts are stricter – they require development activity plans (DAP), and Storm Water Plans (SWP) under certain conditions. Please read HCC 21.50 .020. and .030. to familiarize yourself with the differences in code.

This ordinance would require storm water plans (for the first time) in residential districts under certain circumstances. The ordinance is written so that the rules for the residential districts are more relaxed than for commercial districts. For example, in a commercial district, a project within 10 feet of a wetland would trigger an SWP. This ordinance as it applies to residential districts would not use this as a trigger. There are many homes built each year in mapped wetlands (that may or may not be jurisdictional wetlands) and to require an SWP would be a substantial cost for what amounts to a very small footprint of development. Only very large projects (schools, large parking lots, etc) will likely trigger an SWP in 'level one' districts.

Public Works Involvement

Discussion Points:

- 1. Does the Commission want Public Works, i.e. the City Engineer, to review the grading and filling plans (see lines 24 and 29, and 51 and 56)?**
- 2. Rather than, or in addition to PW review, should other review standards be established? Should the ordinance be more specific about what must be used as a best management practice (line 28 and 56)?**

For this ordinance and the steep slope ordinance, the Commission had asked for input from Public Works, on having PW review these applications/permits. Staff met with PW Director Carey Meyer to discuss the impacts of PW reviewing more permits. At this time, Public Works can handle these additional duties, but, these are zoning regulations. At some point, Public Works may not have the staff time to review these zoning related issues. There should be substantial fees associated with these reviews to defray the cost of providing the service.

The draft steep slope ordinance is with the attorney for review. Staff anticipates both the steep slope ordinance and this dirt work ordinance will be on the agenda for April 7th. At that time, Mr. Meyer will be invited to participate at the Commission meeting to discuss Public Work's involvement with zoning related permits.

Fill Standards

This ordinance creates standards for large amounts or areas of fill, regardless of where in the city the project is. The ordinance inserts a section under both 'level one' and 'level two' site development requirements.

- The ordinance would limit 'stump dumping' ie using a lot for dumping stumps from anywhere off site.
- Sets performance standards for fill, such as a timeframe for filling, reseeding requirements, marking lot corners, etc.

Staff recommendation: Discuss the draft ordinance. At the April 7th meeting, forward to attorney for review, and schedule public hearing. Please discuss if there is additional public outreach the Commission would like to conduct.

Attachments

1. Draft Ordinance (2/23/2010 version)
2. USACOE regulations for fill in wetlands

Draft dirt work Ordinance 2/23/2010

21.50.020 Site development standards – level one. This section establishes level one site development standards. Level one site development standards apply in all zoning districts, unless otherwise provided by another provision of the zoning code.

d. A Storm Water Plan approved under HCC Chapter 21.75 is required if the project includes:

1. Creating new impervious coverage over 25,000 square feet,
2. Creating a cumulative impervious coverage over 1 acre
3. Grading, excavation and fill involving the cumulative movement of 1,000 cubic yards or more of material;
4. Grading, excavation and filling that will result in a permanent slope having a steepness of 3:1 or greater and having a total slope height, measured vertically from toe of slope to top of slope, exceeding ten feet; or

e. Fill standards

1. Fill used for buildings shall be free of large rocks, stumps, garbage and shall comply with state and federal regulations.
2. Non structural fill may include larger organic debris such as stumps provided that the stumps originated on the subject lot, and are capped with clean fill for future landscaping or driveway use.
3. Lots where fill will be placed more than three feet in height over 25% or more of the lot, shall meet the following requirements:
 - a. Submit a grading plan showing the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code.
 - b. Prior to filling, best management practices such as retention ditches, silt fencing, and a storm water settling pond shall be installed. (needs discussion)
 - c. All property corners shall be flagged prior to filling.
 - d. The slope of the sides of the fill shall not exceed 2:1, or 50%.
 - e. Fill shall not be placed within five feet of the side and rear property lines
 - f. Filling shall be completed within a two year timeframe.
 - g. At the completion of the project, the site shall be capped and seeded.

21.50.030 Site development standards – level two. This section establishes level two site development standards. Level two standards apply when specified by the applicable zoning district regulations or by another provision of the code.

43 **g. Fill standards**

- 44 1. **Fill used for buildings shall be free of large rocks, stumps, garbage and shall comply**
45 **with state and federal regulations.**
- 46 2. **Non structural fill may include larger organic debris such as stumps provided that**
47 **the stumps originated on the subject lot, and are capped with clean fill for future**
48 **landscaping or driveway use.**
- 49 3. **Lots where fill will be placed more than three feet in height over 25% or more of the**
50 **lot, shall meet the following requirements:**
 - 51 a. **Submit a grading plan showing the existing grade and finished grade in contour**
52 **intervals of sufficient clarity to indicate the nature and extent of the work and**
53 **show in detail that it complies with the requirements of this code. The plans shall**
54 **show the existing grade on adjoining properties in sufficient detail to identify how**
55 **grade changes will conform to the requirements of this code.**
 - 56 b. **Prior to filling, best management practices such as retention ditches, silt fencing,**
57 **and a storm water settling pond shall be installed. (needs discussion)**
 - 58 c. **All property corners shall be flagged prior to filling.**
 - 59 d. **The slope of the sides of the fill shall not exceed 2:1, or 50%.**
 - 60 e. **Fill shall not be placed within five feet of the side and rear property lines**
 - 61 f. **Filling shall be completed within a two year timeframe.**
 - 62 g. **At the completion of the project, the site shall be capped and seeded.**

63

Federal Rules for placing fill in wetlands



Alaska DEC also has rules about junk car burial (its and)

US Army Corps
of Engineers

Alaska District
Regulatory Division (1145)
Post Office Box 6898
Number

Anchorage, Alaska 99506-0898
(907) 753-2712
(800) 478-2712 (AK Toll Free)

Date:

October 5, 2009

Identification No:

SPN 2009-1063

In reply refer to above Identification

SPECIAL PUBLIC NOTICE 2009-1063

Corps of Engineers Regulatory Program Notice of Fill Prohibitions and Restrictions

The Alaska District Regulatory Division, U.S. Army Corps of Engineers (Corps), by publication of this Special Public Notice is hereby issuing prohibitions and restrictions on the discharge of specified materials as fill into waters of the United States (U.S.) under the Clean Water Act (33 U.S.C. 1344). The purpose of these prohibitions and restrictions is to ensure compliance with the Clean Water Act goals of: restoring and maintaining the physical, chemical, and biological integrity of our Nation's waters.

The following materials are prohibited from use as fill material in waters of the U.S. within the regulatory boundaries of the Alaska District (for additional information on Alaska District regulatory boundaries, visit our web site at: www.poa.usace.army.mil/reg):

1. Vehicle bodies, farm machinery, appliances, containers, or other materials generally considered unsuitable as fill, or which contain contaminants or toxic substances, such as those listed by the Environmental Protection Agency under Section 307 of the Clean Water Act

(<http://www.epa.gov/waterscience/methods/pollutants.htm>) and listed in the Alaska Water Quality Criteria Manual for Toxic and Other Deleterious Organic and Inorganic Substances (<http://www.dec.state.ak.us/water/wqsar/wqs>).

2. Small aggregate shall not be placed below the ordinary high water mark or high tide line of any water body for the purpose of erosion control or bank stabilization if the aggregate and/or associated structure is unstable or likely to fail. Small aggregate may be placed as bedding or as material to enhance plantings, in combination with adequate measures to prevent erosion (e.g. overlain by filter fabric and anchored by riprap or sufficiently stabilized vegetative materials such as tree revetments). All exposed soil and other fills must be permanently stabilized at the earliest practicable date.

3. Construction debris, including scrap wood, sheet rock, roofing materials, asphalt, or chemically treated materials prone to leaching in an aquatic environment.

The following materials are restricted from use as fill material in waters of the U.S. unless evaluated on a case by case basis and meet the criteria below:

1. Properly anchored trees, hay bales; and woodchips. Note: use of woodchips may be restricted to maximum fill depths, mixing requirements, and/or adequate compaction, and may also require an impermeable cap to limit leachate movement into ground water.

2. Brick, cinder blocks, and broken concrete may be utilized if properly stabilized and sufficiently covered by mineral soil. Broken concrete shall be free of exposed rebar, with the length of each piece being no longer than 3.5 times its width.

Please note that this Special Public Notice does not negate the requirement to obtain proper authorizations for any discharge of dredged or fill material into a water of the United States. Anyone considering such work is encouraged to contact the nearest field office listed below for information and assistance (Note that we also have a **toll free number** for use in Alaska at (800) 478-2712):

Anchorage Regulatory Field Office
U.S. Army Corps of Engineers
1600 A. Street, Suite 110
Anchorage, Alaska 99501
Phone (907) 753-2619
Fax (907) 279-0064

Fairbanks Regulatory Field Office
U.S. Army Corps of Engineers,
2175 University Avenue, Suite 201E
Fairbanks, Alaska 99709-4910
Phone (907) 474-2166
Fax (907) 474-2164

Main Regulatory Office
U.S. Army Corps of Engineers
P.O. Box 6898
Elmendorf AFB, Alaska 99506-0898
Phone (907) 753-2712
Fax (907) 753-5567

Sitka Regulatory Field Office
U.S. Army Corps of Engineers
P.O. Box 16
Sitka, Alaska 99835
Phone (907) 747-0658

Juneau Regulatory Field Office
U.S. Army Corps of Engineers
8800 Glacier Highway, Suite 106
Juneau, Alaska 99801-8079
Phone (907) 790-4490

Kenai Regulatory Field Office
U.S. Army Corps of Engineers
Benco Building
805 Frontage Road, Suite 200C
Kenai, Alaska 99611-7755
Phone (907) 283-3519
Fax (907) 283-3981

Mat-Su Regulatory Field Office
U.S. Army Corps of Engineers
Century Plaza building, Suite 102
1075 South Check Street
Wasilla, Alaska 99654
Phone (907) 357-4423



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-3106
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

March 10, 2010

Darren Williams
397 E Pioneer Ave. #2
Homer, AK 99603

Re: Use of Refuge Room

Dear Mr. Williams,

THIS IS AN ENFORCEMENT ORDER DEMANDING THAT YOU DISCONTINUE USE OF THE PROPERTY LOCATED AT 397 E PIONEER AVENUE ("THE PROPERTY") AS AN OVERNIGHT FACILITY OR SUBMIT A COMPLETED APPLICATION FOR A CONDITIONAL USE PERMIT WITHIN 30 DAYS OF RECEIPT OF THIS ENFORCEMENT ORDER PER HCC 21.90.060

As of the writing of this letter, I have not been notified of any appeal of the Board of Adjustment (BOA) decision dated January 13, 2010 which overturned my determination that the Refuge Room constitutes a Rooming House.

This notice finds that the Refuge Chapel is in violation regarding use of the Refuge Room which lies outside of permitted uses as defined by Homer City Code (HCC), per HCC 21.90.090 (a) (6). Failure to resolve this violation within 30 days of receipt of this notice may result in fines of \$250 per day per HCC 21.90.080(b) (2).

According to the BOA decision, the Homer Advisory Planning Commission (HAPC) vote overturned my decision that the Refuge Room constitutes a Rooming House. While I do not have recent guidance on just what the HAPC now believes the use of the Refuge Room constitutes (previously a dormitory-style housing facility for men), I can be certain that it is not a rooming house or any other outright permitted use of the Central Business District (CBD). It is likely that it may be considered an "other use" per HCC 21.18.030 (o) or even a shelter for the homeless, either of which requires an approved Conditional Use Permit (CUP) for operation.

To resolve this violation you may submit an application for a CUP in the next 30 days from receipt of this correspondence or immediately cease the overnight accommodations offered in the Refuge Room.

Per HCC 21.93 you have the right to appeal this Enforcement Order to the Homer Advisory Planning Commission within 30 days of written receipt of this notice. Failure to timely appeal to Homer Advisory Planning Commission constitutes a waiver of all rights to appeal this order.

Regards,

Rick Abboud
rabboud@ci.homer.ak.us
City Planner
907-235-8121 x2236

Cc: Walt Wrede, City Manager
Tom Klinkner, City Attorney



City of Honolulu

Planning & Zoning

City and County of Honolulu
1555 Kalia Road, Suite 200
Honolulu, Hawaii 96813-2000
Phone: (808) 525-1234
Fax: (808) 525-1235
Email: planning@honolulu.gov

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For more information,
please contact the Planning
Department at (808) 525-1234.
The Planning Department
is located at 1555 Kalia Road,
Suite 200, Honolulu, HI 96813.

The Planning Department is responsible for the development and implementation of the City's long-range planning and zoning policies. The Department works closely with the City Council and the community to ensure that the City's growth is planned and managed in a sustainable and equitable manner.

The Planning Department also provides technical assistance to the community in the development of local plans and zoning applications. This assistance includes conducting studies, preparing reports, and holding public hearings.

The Planning Department is committed to transparency and public participation in the planning process. We encourage the community to provide input and feedback on our work through various channels, including public meetings and online platforms.

Our staff is dedicated to providing high-quality service to the community and ensuring that the City's planning and zoning policies are effectively implemented. We are proud to be part of the City of Honolulu and to contribute to its growth and development.

The Planning Department is a key part of the City's governance structure and plays a vital role in shaping the future of Honolulu. We are committed to working with the community to create a better, more sustainable future for all.

For more information about the Planning Department's work and services, please visit our website at www.honolulu.gov/planning. We are always happy to answer your questions and provide the information you need.

City of Honolulu
Planning & Zoning
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